

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Zimmerman

Serial No.: 10/084,715

Filing Date: February 25, 2002

For: Method and apparatus for an adaptive
audio-video program recommendation system

Examiner: Clyde H. Jones III

Art Unit: 2623

Confirmation No.: 6622

Attorney Docket No.: US020013

February 19, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Sir:

Applicant's representative (hereinafter "Applicant") conducted a telephone interview with the present Examiner's Supervisor, Chris Grant, on Friday, February 2, 2007. In such interview, Applicant requested a discussion of Applicant's request for withdrawal of the finality of the Office Action dated November 28, 2006, in view of Applicant's response filed January 29, 2007, which response included a renewed Declaration under 37 C.F.R. §1.131 that was filed to cure the Declaration under 37 C.F.R. §1.131 filed on September 11, 2006. The original Declaration under 37 C.F.R. §1.131 filed on September 11, 2006, was deemed defective in overcoming the Bates et al. reference (U.S. Patent Publication 2002/0145321).

Applicant respectfully requests that the Declaration under 37 C.F.R. §1.131 that was filed on January 29, 2007, should be considered after Final because the evidence submitted therein would invalidate the primary prior art reference of record, namely the Bates et al. reference (U.S. Patent Publication 2003/0145321). Furthermore, Applicant intended to swear behind the Bates et al. reference as evidenced by the earlier-presented Declaration under 37 C.F.R. §1.131 that was filed on September 11, 2006. The Declaration under 37 C.F.R. §1.131 that was filed on January 29, 2007, was presented after many telephone discussions with Chris Grant regarding

the propriety of the content of the Declaration under 37 C.F.R. §1.131 that was filed on September 11, 2006, it being understood that the Declaration under 37 C.F.R. §1.131 that was filed on January 29, 2007, was intended to cure any defects in the earlier-presented Declaration that deemed such earlier Declaration to be defective as set forth in the Office Action dated November 28, 2006.

Thus, Applicant respectfully requests consideration of the Declaration under 37 C.F.R. §1.131 that was filed on January 29, 2007, after final and reconsideration of the finality of the Office Action dated November 28, 2006, pursuant to 37 C.F.R. §116(c).

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

PHILIPS INTELLECTUAL PROPERTY & STANDARDS



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